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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,311	06/06/2001	Bruce Barger	CM2373	7052

27752 7590 12/19/2002

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EXAMINER

CARRILLO, BIBI SHARIDAN

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 12/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,311

Applicant(s)

BARGER ET AL.

Examiner

Sharidan Carrillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a purifying device and the spraying device attached to a hose, wherein water is passed through the hose into the purifying device and then sprayed by the spraying device must be shown or the feature(s) canceled from the claim(s) 11-14 and 16-17. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a cleaning composition comprising a polymer which is capable of rendering the surface hydrophilic, does not reasonably provide enablement for any type of cleaning composition which renders the surface hydrophilic. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

The claims embrace an invention which contains any known cleaning composition which is capable of rendering the surface hydrophilic, which could/can be selected from literally

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thousands. It does not appear to be feasible that any cleaning composition would function in the present invention. Further, for one skilled in the art to reproduce the present invention (which must be possible, if the specification is adequate), there would clearly be undue experimentation to do so in an attempt to figure out which cleaning compositions would and would not work.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5-7 are indefinite because of the term "capable". It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Claims 2, 4, 9-11, 13, and 15-17 are indefinite because of its dependency. Claim 3 is indefinite because it is unclear what one of ordinary skill in the art would consider as "unpurified" rinse water. Claims 8 and 12 are indefinite because of improper Markush language. The claim should read "selected from the group consisting of a, b, AND c" instead of "a, b, OR c". Claim 12 is further indefinite because it is unclear whether the phrase "mixed and layered resins" refers to ion exchange resins. Further, it is unclear the difference between a mixed and layered resin. How is a mixture of ion exchange resins different from a layer of ion exchange resins. Claim 14 is indefinite because it is unclear what is meant by the "visual indication on depletion of the ion exchange resin". It is unclear what the indicator is visually detecting.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon et al. (WO98/36046).

Gordon et al. teach a hard surface cleaner comprising vinyl pyrrolidone followed by rinsing with clean water (pages 3, 6, 10). In reference to claim 1, the limitations of rendering the surface hydrophilic are inherently met since Gordon et al. teach the same composition as the instant invention. In reference to claim 2, refer to page 10, third paragraph. In reference to claim 4, refer to page 3. In reference to claims 5-7, the limitations are inherent properties of the cleaning composition. In reference to claim 8, refer to page 6, paragraph 4. In reference to claim 9, refer to page 11, paragraph 4.

8. Claims 1, 3-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakos et al. (4294729).

Bakos et al. teach a method for removing epoxy from an integrated circuit. In col. 7, lines 55-65, Bakos et al. teach contacting the substrate with N-methyl pyrrolidone, followed by tap water and then deionized water. In reference to claim 1, N-methyl pyrrolidone is a hydrophilic solvent. In reference to claim 4, Bakos et al. teach an integrated circuit which reads on a metal surface. In reference to claims 5-7, the limitations are inherent properties of the cleaning composition. In reference to claim 9, refer to col. 2, line 52.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (WO98/36046) in view of Savino (3928065).

Gordon teaches a composition for cleaning hard-surfaces (i.e. metal), especially those

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soiled with greasy stains and/or burnt/sticky food residues typically found in kitchens. Gordon teaches a composition comprising N-vinylpyrrolidone, as previously discussed. Gordon fails to teach the composition further comprising a nanoparticle clay material.

Savino teaches a composition for cleaning metal cookware to remove carbonized or hardened food debris, the composition comprising kaolin and N-methyl-2-pyrrolidone, as discussed in the abstract.

It would have been obvious to a person of ordinary skill in the art to have modified the method of Gordon et al. to include kaolin, as taught by Savino, for purposes of enhancing the removal of baked-on, hardened, or carbonized food debris from metal cookware. Further, it is prima facie obvious to combine two compositions, each taught by the prior art to be useful for the same purpose, in order to form a third composition which is to be used for the very same purpose. See *In re Kerkhoven*, 205 USPQ 1069, 1072.

13. Claims 11-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (WO98/36046) in view of Cahan (3502215).

Gordon teaches using the cleaning composition to clean the exterior of cars. Gordon further teaches cleaning and rinsing with clean water, as previously discussed. Gordon fails to teach purifying the rinse water by using an ion-exchange resin.

With respect to claims 11-12, Cahan teaches an ion-exchange resin used in car washes for purposes of reducing the water hardness, as described in col. 4, lines 5-12.

It would have been obvious to a person of ordinary skill in the art to have modified the method of Gordon to include using an ion-exchange resin, as taught by Cahan for purposes of

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removing the water hardness. In view of the indefiniteness of claim 14, the limitations are met by Cahan. In reference to claims 14-17, refer to Fig. 1.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (WO 98/36046) in view of Cahan (3502215), as applied to claims 11-12 and 14-17, as described in paragraph 13 above, and further in view of DiMascio et al. (6284124).

Gordon et al., as modified by Cahan teaches the invention substantially as claimed with the exception of three layers of ion exchange resin. DiMascio et al. teach a deionization apparatus comprising multiple alternating layers of ion exchange resin material for purposes of providing high purity deionized water (col. 3, lines 50-55).

It would have been obvious to a person of ordinary skill in the art to have modified the modified method of Gordon et al., to include multiple layers of ion exchange resin material for purposes of providing high purity water.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reed teaches a composition for removing limestone and a hard surface cleaner. Knott teaches a hard surface cleaner. Wilttrout teaches a water reclaim system. Ehrlich teaches a detergent composition comprising clay and pyrrolidone. Russo teaches a car wash composition comprising pyrrolidone. Lieffring et al. teaches rinsing your car with clean rinse water.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 703-308-1876. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 703-308-4333. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-305-7719 for regular communications and 703-305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc
December 14, 2002



SHARIDAN CARRILLO
PRIMARY EXAMINER